

**REPORT - PLANNING COMMISSION MEETING  
November 17, 2005**

**Project Name and Number:** Hubview Homes (PLN2005-00349)

**Applicant:** Edge Concepts

**Proposal:** To consider an application for a Rezoning from Garden Apartment Residence District (R-G-16), to Multi-Family Residence District (R-3-35)

**Recommended Action:** Recommend Rezoning to City Council

**Location:** 3645 Mowry Avenue, in the Central Planning Area

**Assessor Parcel Number(s):** 501-1596-007-02

**Area:** 0.34 acre

**Owner:** Jamal Rabbani

**Agent of Applicant:** Jitender Makkar

**Consultant(s):** None

**Environmental Review:** An initial study and mitigated negative declaration were prepared and circulated for this review.

**Existing General Plan:** High Density Residential 27-35 du/ac.

**Existing Zoning:** R-G-16, Garden Apartment Residence District

**Existing Land Use:** One single-family residence

**Public Hearing Notice:** A total of 405 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Mowry Avenue, Pennsylvania Avenue, Lexington Street and State Street. The notices to owners and occupants were mailed on November 3, 2005. A Public Hearing Notice was delivered to The Argus on October 31, 2005 to be published by November 4, 2005.

In addition, a Notice of Preparation of a Draft Negative Declaration was delivered to The Argus on October 28, 2005 to be published on November 3, 2005.

**Executive Summary:** The subject parcel is an in-fill lot currently zoned R-G-16, Garden Apartment Residence District. The General Plan designation is High Density Residential 27-35 dwelling units per acre. Because the parcel is relatively small in size, 15,015 square feet, the applicant requests the property be rezoned to R-3-35, Multi-Family Residence District, to accommodate the midpoint density and provide for design flexibility. Although no site plan and architectural review will currently be considered with this application, the applicant is expected to submit a development proposal for 11 to 12 residential units (which will meet the required midpoint density range).

**Background and Previous Actions:** The subject parcel contains a single-family residence that was built in 1895, prior to the City's incorporation. Because of the building's poor condition and many exterior modifications that have occurred over the years, staff has determined there is no historic value in the structure. This structure would be demolished in order to develop the site with a future multi-family residential development.

The City Council adopted the R-3 multi-family residential zoning district in June 2003 to assist the City in meeting its regional housing needs. The Housing Element of the City's General Plan stipulates the application of the R-3 zoning district on a case-by-case basis to land designated for medium, high and very high density residential uses in the General Plan to facilitate and encourage the development of higher density housing. The standards adopted for the R-3 district are suitable for the City's remaining infill sites and provide developers with clear standards that also allow for flexibility. To facilitate high quality development, under the R-3 zoning district, all projects are required to receive Site Plan and Architectural Approval (SPAA) by the Development Organization. Planning Commission review is required for projects with 11 units or more.

**Project Description:** The project consists of a rezoning of a 15,015 square foot parcel. The property is currently zoned R-G-16, Garden Apartment Residence District. The site's General Plan Land Use designation is High Density Residential, 27 to 35 dwelling units per acre. The applicant requests a rezoning to R-3-35, Multi-Family Residence District to accommodate the required midpoint density and to allow a greater range of flexibility in developing the site. The proposed rezoning to R-3-35 is consistent with the property's General Plan designation.

## PROJECT ANALYSIS:

**General Plan Conformance:** The existing General Plan Land Use designation for the project site is High Density Residential, 27 to 35 dwelling units per acre. The proposed rezoning is consistent with the existing General Plan Land Use designation for the project site because the proposed project implements Land Use Element Policies and Housing Element Programs. The following General Plan Goals, Objectives, and Policies are applicable to the proposed rezoning:

- **Land Use Element Policy – LU 1.9:** To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to a collector or arterial street, and as a transition use where maximum flexibility in site design is required. For those areas where higher densities are indicated in the General Plan Land Use Diagram, construction of housing at significantly lower densities than planned would not meet the City's goals. The City therefore establishes a minimum required density of development for all medium and high density residential uses, as follows:
  - When the residential range is between 6.5 and 70 units per acre, and the development application has not been deemed complete for processing under the provisions of the Permit Streamlining Act by July 1, 2003, the minimum density of the project must be at the midpoint of the density range.
  - When calculation of the midpoint density results in a fraction of a unit equating to 0.50 or more, the minimum density shall be rounded up to the next whole number.

*Analysis: The proposed rezoning to R-3-35 is consistent with the existing General Plan Land Use designation of 27 to 35 dwelling units per acre and implements the policy mentioned above. Multi-family development on the subject site is required to adhere to the General Plan goals and policies, including the requirement that the project must satisfy the "midpoint of the density range".*

- **Land Use Element Policy – LU 1.25:** Where another multi-family project is located on an adjacent parcel of land, a variety of architectural and site design treatments shall be encouraged. However, an architectural or landscape design theme for several parcels may be appropriate.

*Analysis: Through SPAA review, the project would be evaluated for compatibility with adjacent uses consistent with the policy above.*

- **Housing Element Policy – 3A:** Adopt appropriate land use regulations and other development tools to encourage the development of affordable housing.

- **Implementation 18:** The City will evaluate vacant and underutilized residentially designated parcels to identify sites, which could have an increased density and then undertake City-initiated General Plan changes and rezoning to higher densities.

*Analysis: The rezoning of a site will provide the opportunity for a multi-family development at a density anticipated by the Housing Element. The R-3-35 zoning designation is consistent with the site's existing General Plan Land Use designation of 27 to 35 dwelling units per acre. Any development on this site must be developed at a density between 31 to 35 dwelling units per acre, i.e. no less than the midpoint density as designated by the General Plan.*

**Zoning Regulations:** The subject site has a zoning designation of R-G-16. The proposed project consists of a rezoning to the R-3, Multi-family Residential district, where any development on this site would be required to comply with standards and guidelines adopted for the district, as well as all applicable building and zoning regulations. The following table represents lot and siting requirements.

<b>R-3-35 Zoning Lot &amp; Siting Standards</b>	
Maximum Building Height	52 feet
Minimum Lot Size	6,000 square feet
Minimum Lot Width	60 feet
Street Frontage	35 feet
Front Yard Setback	20 feet
Interior Side and Rear Setbacks	10 feet
Lot Coverage	50 percent
Minimum Common Open Space Area	500 square feet for up to 5 units, plus 50 square feet for each additional unit; one dimension at least 15 feet

The subject parcel has a rectangular shape with a width of 105.2 feet and a depth of 143 feet. The lot is 15,015 square feet in size. Through Site Plan and Architectural Review, a multi-family project can be designed to fit with the character and scale of the existing neighborhood and its surroundings.

**Inclusionary Housing:** Any future residential project on the subject site will need to comply with the City's Inclusionary Housing requirements through the inclusion of fifteen percent (15%) Below Market Rate (BMR) units.

**Circulation/Access Analysis:** Pedestrian and vehicular access is from Mowry Avenue, a major six-lane east-west thoroughfare. Right-of-way was established and street improvements were constructed by local improvement district eight in the late 1960s. Pedestrians will access the site via the existing public sidewalk. Vehicular access will be via a standard driveway. Any proposed or required improvements within the public right-of-way will be included as part of the applications for site plan and architectural review and possible tentative map for a future development project.

**Topography:** The project site is currently improved with an existing single-family residence and several trees. The parcel is flat with an average ground elevation of 54 feet. Further analysis of site grading and drainage will be completed in conjunction with a possible preliminary grading plan or tentative map application.

**Environmental Analysis:** An Initial Study and Draft Mitigated Negative Declaration were prepared pursuant to guidelines of the California Environmental Quality Act, and circulated for this rezoning project. The environmental analysis identified concerns regarding potential impacts to soil liquefaction, air quality, cultural resources and noise. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included in the Mitigation Monitoring Program (MMP) that is recommended to be adopted and will apply to any future development project on the site. A more detailed description of the potential impacts is provided within the Initial Study for the proposed rezoning, which is included as an enclosure.

A finding is proposed that this rezoning would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration and MMP have been prepared for consideration by the Planning Commission.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources due to the already developed nature of the site. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to draft Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

**Response from Agencies and Organizations:** The Valley Transit Authority (VTA) has commented, indicating that they do not have concerns relating to the proposed rezoning project. No other response or comment has been received at the time of publication of this report.

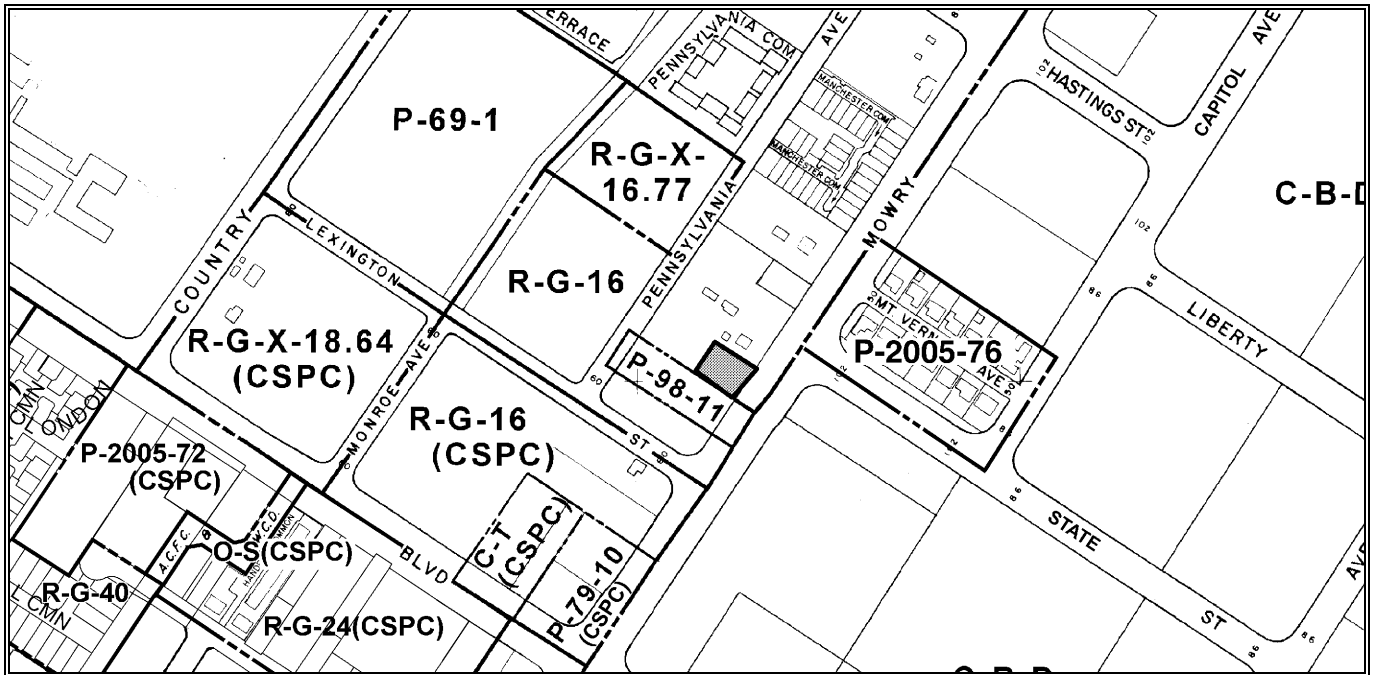
**ENCLOSURES:** Mitigated Negative Declaration and Initial Study

**EXHIBITS:** Exhibit "A" Rezoning Map

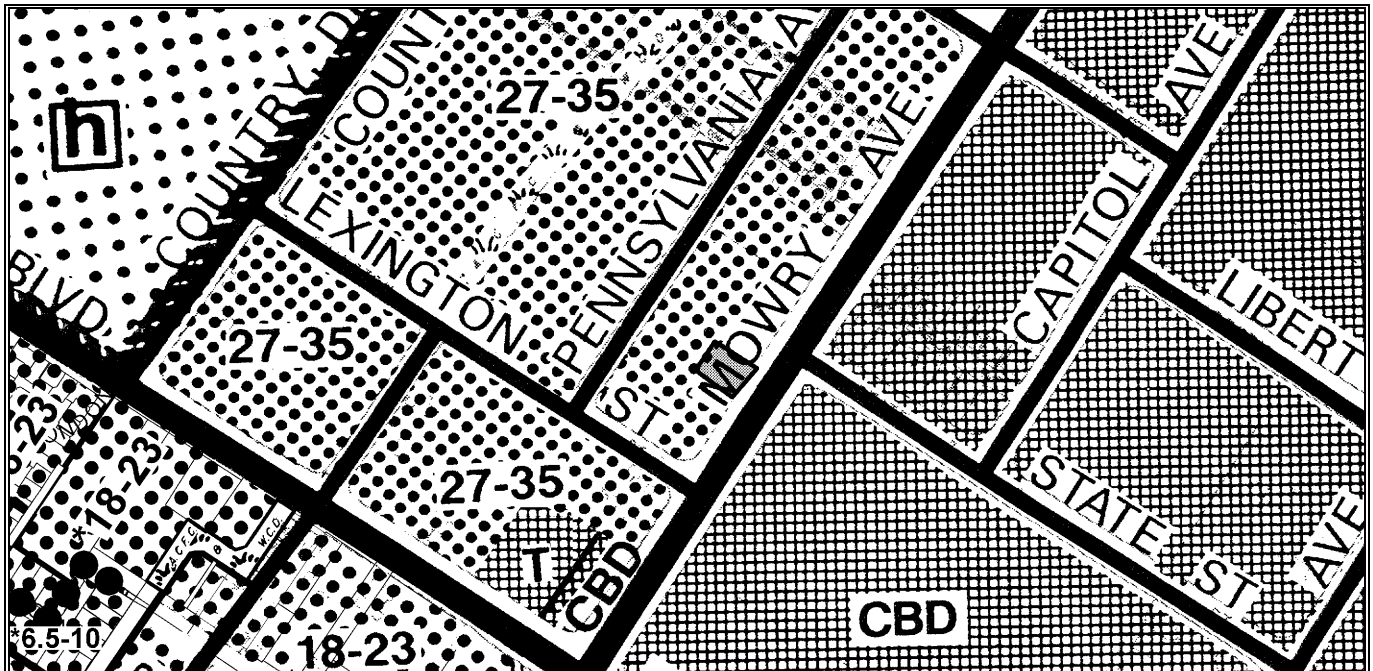
**Recommended Actions:**

1. Hold public hearing.
2. Recommend that the City Council find the initial study conducted for the project has evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources and find that there is no evidence the project would have any potential for adverse effect on wildlife resources. As a result, recommend the filing of a Certificate of Fee Exemption for the project.
3. Recommend to the City Council the adoption of a Mitigated Negative Declaration finding that there is no substantial evidence that the rezoning project, as mitigated, will have a significant effect on the environment and further find that this action reflects the independent judgment of the City of Fremont.
4. Recommend to the City Council approval of the Mitigation Monitoring Plan (MMP) for the rezoning project.
5. Recommend that the City Council find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report.
6. Recommend PLN2005-00349 to the City Council in conformance with Exhibit "A" (Rezoning Exhibit).

Existing Zoning  
Shaded Area represents the Project Site



Existing General Plan



# EXHIBIT "A"

Attached to and made a part of

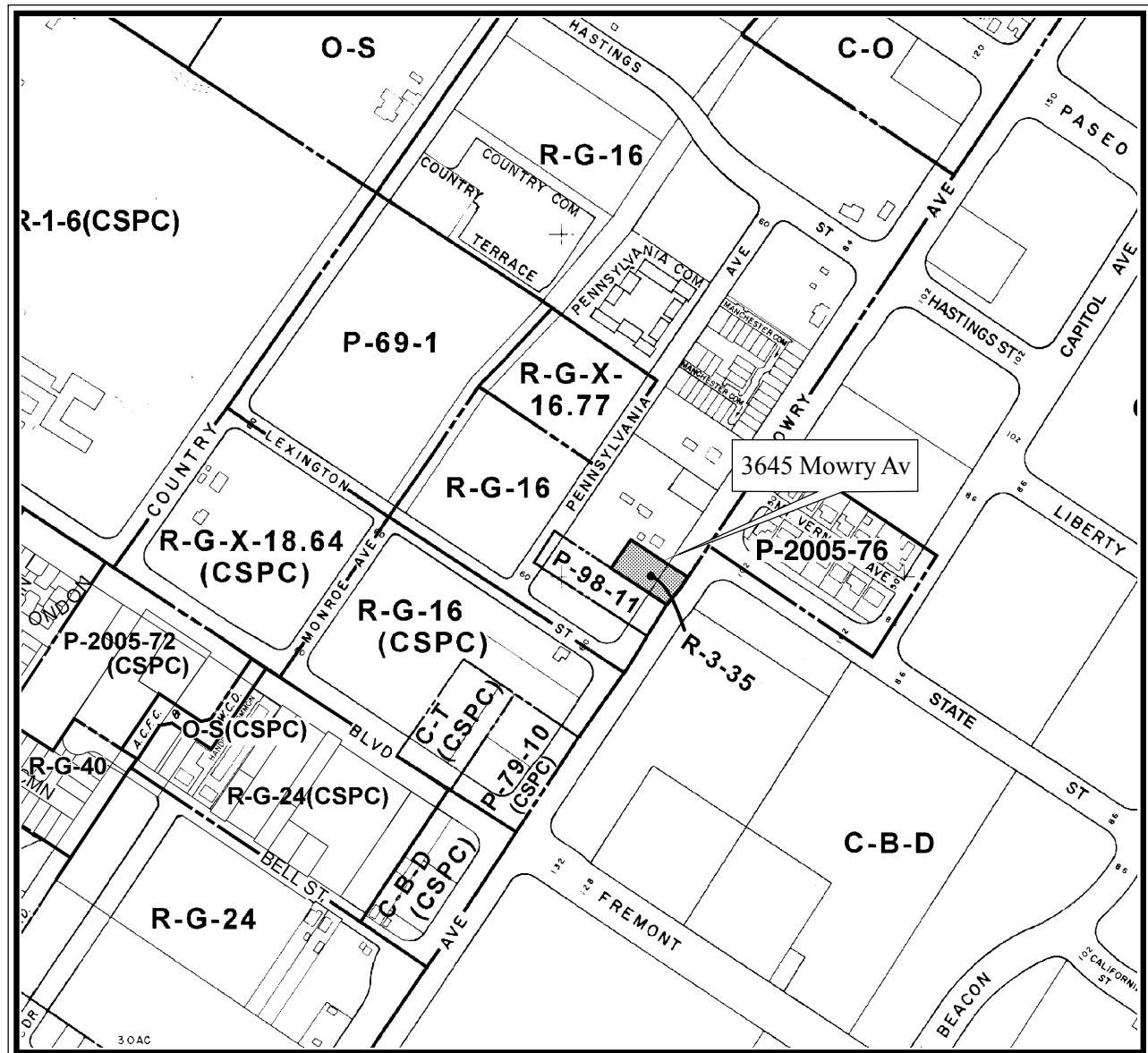
**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, 20\_\_\_\_.

## ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTRAL PLANNING AREA



**From:** R-G-16

**To:** R-3-35

**Project Name:** Hubview Homes

**Project Number:** PLN2005-00349 (Rez)

